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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,941	01/07/2002	Daniel F. Moore	09857-085001	5131

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EXAMINER

NGUYEN, NGA B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/040,941	Applicant(s) MOORE ET AL.	
	Examiner Nga B. Nguyen	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the communication filed on January 7, 2002, which paper has been placed of record in the file.
2. Claims 1-6 are pending in this application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Breen et al (hereinafter Breen), U.S. Patent No. 6,615,188.

Regarding to claim 1, Breen discloses a method of trading securities in an electronic market, the method comprises:

receiving from an electronic communication network a grouped order repressing customer orders that are grouped with respect to price (column 12, lines 1-8, receiving buy orders and aggregating buy orders into a single BUY order);

assigning a time receipt to components of the grouped order (column 10, lines 1-10);

displaying interest associated with the grouped order as a quote (column 12, lines 8-10); and thereafter

receiving from the electronic communication network subsequent grouped customer orders that are grouped with the initial interest according to price and assigning different time stamps to components of the subsequent grouped customer orders base on the time of receipt of the subsequent grouped orders (column 12, lines 28-50, receiving sell orders and aggregating sell orders into a single SELL order); and

matching components of the grouped order against interest in the market base on how the components of the grouped order interest with interest in the market (column 12, lines 10-15, 43-45; column 13, lines 3-15, executing orders).

Regarding to claim 2, Breen further discloses wherein the components interact with the market based on a priority type selected for contra side orders in the market (column 12, lines 52-62).

Regarding to claim 3, Breen further discloses wherein the choices including executing the order against displayed contra site interest in priority that is price/time, or price/size/time, or price/time that account for ECN access fees (column 14, lines 20-30).

Regarding to claim 4, Breen further discloses wherein displaying initial interest and subsequent interest is based on the total of such interest without regard to time of receipt of the interest (column 11, lines 23-35).

Regarding to claim 5, Breen further discloses wherein displaying initial interest and subsequent interest is displayed as a quote in a quote montage (column 11, lines 54-57).

Regarding to claim 6, Breen further discloses wherein displaying initial interest and subsequent interest is displayed as a quote in a quote montage with other interest of market makers, other ECNs, and on-attributable agency offers of UTP Exchange, in a specified priority between such interest (column 11, lines 22-57).

Conclusion

5. Claims 1-6 are rejected.
6. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure:

Wallman (US 7,047,218) discloses a method and apparatus for aggregating, netting, and executing securities trades on behalf of customers.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (571) 272-6799.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
C/o Technology Center 3600
Washington, DC 20231

Or faxed to:

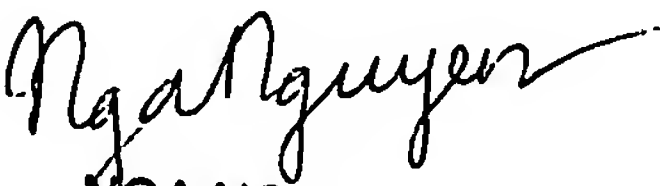
(703) 872-9306 (for formal communication intended for entry),

or

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(571) 273-0325 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany Street, Alexandria, VA, First Floor (Receptionist).


NGA NGUYEN
PRIMARY EXAMINER

June 14, 2006